

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jeffrey Tsui	Team: Squad #15	CCRB Case #: 202203555	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 05/23/2022 7:25 PM	Location of Incident: 10th Ave & West 206th Street in Manhattan	18 Mo. SOL 11/23/2023	Precinct: 34		
Date/Time CV Reported Thu, 06/02/2022 11:14 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 06/02/2022 11:14 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Edward Reardon	04729	931015	052 DET
2. PO Grabiell Rosado	20900	959950	052 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Manuel Estrada	27546	941277	052 PCT
2. PO Payton Brown	26175	971150	052 PCT
3. SGT Giuseppe Deangelis	01908	946900	048 PCT
4. PO Sydney Newbury	24827	970024	052 PCT
5. PO Carlos Polancodelacruz	26386	968714	052 PCT
6. PO Elyjah Bennett	17243	960236	052 PCT
7. PO David Guzman	10187	961803	052 PCT

Officer(s)	Allegation	Investigator Recommendation
A . PO Grabiell Rosado	Abuse: Police Officer Grabiell Rosado stopped § 87(2)(b)	
B . PO Grabiell Rosado	Abuse: Police Officer Grabiell Rosado strip-searched § 87(2)(b)	
C . PO Grabiell Rosado	Abuse: Police Officer Grabiell Rosado frisked § 87(2)(b)	
D . PO Grabiell Rosado	Abuse: Police Officer Grabiell Rosado searched § 87(2)(b)	
E . DT3 Edward Reardon	Abuse: Detective Edward detained § 87(2)(b)	
F . DT3 Edward Reardon	Abuse: Detective Edward Reardon threatened to arrest § 87(2)(b)	
G . DT3 Edward Reardon	Abuse: Detective Edward Reardon seized § 87(2)(b) property.	

### Case Summary

On June 2, 2022, § 87(2)(b) filed this complaint on behalf of himself and § 87(2)(b) with the CCRB over the phone.

On May 23, 2022, at approximately 7:25 PM, § 87(2)(b) operated § 87(2)(b) orange 2021 Ford Mustang Mach-E. § 87(2)(b) parked his vehicle in front of 3861 10<sup>th</sup> Avenue in Manhattan. PO Gabriel Rosado and PO Payton Brown of the 52<sup>nd</sup> Precinct pulled over behind the Mustang. The officers exited their patrol vehicle. PO Rosado approached § 87(2)(b) and then grabbed him by the front of his shirt. **(Allegation A: Abuse of Authority, § 87(2)(g))** PO Rosado escorted § 87(2)(b) next to the patrol vehicle and held him there. PO Rosado allegedly pulled § 87(2)(b) basketball shorts past his waistline, revealing his boxer shorts **(Allegation B: Abuse of Authority, § 87(2)(g))** PO Rosado frisked **(Allegation C: Abuse of Authority, § 87(2)(g))** and searched § 87(2)(b) basketball shorts pockets **(Allegation D: Abuse of Authority, § 87(2)(g))** and placed him inside the patrol vehicle. DET Edward Reardon of the 52<sup>nd</sup> Precinct Detective Squad and other officers responded to the location. DET Reardon and the other officers removed § 87(2)(b) and the Mustang to the 52<sup>nd</sup> Precinct stationhouse for further investigation **(Allegation E: Abuse of Authority, § 87(2)(g))** At the station house, officers escorted § 87(2)(b) to the 52<sup>nd</sup> Precinct Detective Squad office. DET Reardon told § 87(2)(b) “Alright, you’re not under arrest now, but it could be coming.” **(Allegation F: Abuse of Authority, § 87(2)(g))** On August 1, 2022, DET Reardon returned the Ford Mustang Mach-E to § 87(2)(b) **(Allegation G: Abuse of Authority, § 87(2)(g))**

There were no arrests made nor summonses issued as of result of the incident.

The investigation received BWC video for this incident. It is attached to IA #136 (BR11).

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Grabieli Rosado stopped § 87(2)(b)**

**Allegation (B) Abuse of Authority: Police Officer Grabieli Rosado strip-searched § 87(2)(b)**

**Allegation (C) Abuse of Authority: Police Officer Grabieli Rosado frisked § 87(2)(b)**

**Allegation (D) Abuse of Authority: Police Officer Grabieli Rosado searched § 87(2)(b)**

§ 87(2)(b) stated (BR1) that he drove his manager, § 87(2)(b) Ford Mustang Mach-E, and parked it in a legal parking spot in front of Hall of Fame Terrace and Andrews Avenue North, in the Bronx in front of the basketball courts. The vehicle had New York State license plate, § 87(2)(b) and factory tinted rear windows. At the time, § 87(2)(b) wore shorts and a short-sleeved shirt. § 87(2)(b) observed two male sibling acquaintances he knew from high school. § 87(2)(b) identified them only by their aliases, “§ 87(2)(b)” and “§ 87(2)(b)”. § 87(2)(b) invited § 87(2)(b) and § 87(2)(b) to enter the Mustang to talk. At this time, § 87(2)(b) observed a group of seven to eight high school age individuals on the street outside arguing with two other unidentified individuals. Approximately five to ten minutes later, two Honda vehicles, a yellow one, and a grey one, approached the location from Andrews Avenue at a high rate of speed. The grey vehicle double parked next to § 87(2)(b). § 87(2)(b) did not recall where the yellow vehicle parked. Two individuals exited from both Honda vehicles. § 87(2)(b) exited the vehicle as well while § 87(2)(b) remained inside the Mustang. § 87(2)(b) drove away from the location with § 87(2)(b) to avoid any potential confrontation between the groups. § 87(2)(b) drove to an unspecified location on Andrews Avenue with § 87(2)(b) called § 87(2)(b) on his cellphone and told him that he and § 87(2)(b) were waiting for him. When § 87(2)(b) arrived, he told § 87(2)(b) that an individual from the high school age group fired four gunshots at the two individuals from the yellow and grey Honda vehicles.

§ 87(2)(b) drove § 87(2)(b) and § 87(2)(b) back to the basketball courts on Hall of Fame Terrace and Andrews Avenue. § 87(2)(b) observed three uniformed officers there and he told § 87(2)(b) and § 87(2)(b) that they should go home, and the brothers exited the Mustang. § 87(2)(b) drove across University Heights Bridge and onto 10th Avenue and Dyckman Street in Manhattan. At this time, a marked NYPD patrol vehicle followed § 87(2)(b). The patrol vehicle followed § 87(2)(b) onto 10th Avenue and 206th Street in Manhattan. § 87(2)(b) pulled over in front of 3861 10th Avenue in Manhattan. The patrol vehicle approached the Mustang at the back and stopped at the rear wheel. The patrol vehicle's windows lowered. § 87(2)(b) observed PO Rosado in the driver seat and PO Brown in the front passenger seat. PO Rosado told § 87(2)(b) "Nice car." PO Rosado exited the patrol vehicle and asked § 87(2)(b) if he can "see" the Mustang. § 87(2)(b) interpreted PO Rosado's remark as him complimenting the Mustang. § 87(2)(b) opened his driver's side door and at this time, PO Rosado grabbed § 87(2)(b) by the front of his shirt with both hands and escorted § 87(2)(b) to the front of the patrol vehicle. PO Brown exited the front passenger seat from the police vehicle. PO Rosado bent § 87(2)(b) over the hood of the patrol vehicle and placed him in handcuffs. PO Rosado positioned § 87(2)(b) against the marked vehicle and then PO Rosado pressed his legs against § 87(2)(b) body as if to prevent him from fleeing. PO Rosado pulled down § 87(2)(b) basketball shorts past his waistline and the top part of his boxer shorts was exposed. PO Rosado did not remove § 87(2)(b) boxer shorts nor expose genitals or buttocks to the public. PO Rosado patted § 87(2)(b) feet, ankles, and then up and down his legs. PO Rosado placed his hand inside the pockets of § 87(2)(b) basketball shorts. § 87(2)(b) told PO Rosado that he can search him and that he did not have any items on his person. After the search, PO Rosado placed § 87(2)(b) inside the patrol vehicle. Approximately five minutes later, seven other NYPD patrol vehicles arrived at the location. PO Rosado transported § 87(2)(b) to the stationhouse and instructed an officer on scene to transport the Mustang.

§ 87(2)(b) stated (BR2) that he was not present for this part of the incident. § 87(2)(b) stated that § 87(2)(b) worked for him as a valet and that the Mustang belonged to him. Prior to the incident, § 87(2)(b) gave § 87(2)(b) permission to operate the vehicle.

PO Rosado stated (BR3) that prior to the incident, he received a ShotSpotter alert regarding gunshots detected at Hall of Fame Terrace and Andrews Avenue North. PO Rosado and PO Brown responded to the crime scene to investigate and discovered four shell casings on the ground. PO Rosado requested additional officers to the location. PO Rosado and PO Brown canvassed the area for eyewitnesses. An unidentified female individual approached PO Rosado and PO Brown at their patrol vehicle. The female individual told the officers that she observed a shooting at Hall of Fame Terrace and Andrews Avenue North. PO Rosado invited the female individual to enter the patrol vehicle to speak privately and she refused. The female individual stated that the shooter was a dark-skinned male and that he entered an orange Mustang after firing the gunshots. The female individual did not specify that the Mustang was a Mach-E. The female individual further stated that the Mustang was operated by a male with light skin complexion, who wore a white t-shirt and an orange hat. The female individual provided PO Rosado with the Mustang's license plate number, § 87(2)(b). PO Rosado and PO Brown continued to canvass the area near the crime scene and then drove across University Heights Bridge and into the confines of the 34th Precinct in Manhattan. At 10th Ave & West 206th Street, PO Rosado observed an orange Ford Mustang Mach-E with plates that matched the one provided by the unidentified female witness. PO Rosado drove next to the Ford Mustang Mach-E and observed only § 87(2)(b) in the driver's seat. PO Rosado described § 87(2)(b) as a light-skinned Hispanic male in a white t-shirt and orange hat. PO Rosado believed § 87(2)(b) was connected to the shooting that took place at Hall of Fame Terrace and Andrews Avenue North in the Bronx.

PO Rosado stated that made eye contact with § 87(2)(b) lowered his windows and asked § 87(2)(b) “Hey, is that the new electric vehicle?” § 87(2)(b) replied, “Yeah, Yeah.” PO Rosado told § 87(2)(b) “You have a nice vehicle, is that electric?” PO Rosado described the conversation as calm as he did not want to startle § 87(2)(b) exited the Mustang immediately and unprompted after the brief conversation. PO Rosado also exited the patrol vehicle. PO Rosado did not know why § 87(2)(b) got out of the Mustang. PO Rosado approached § 87(2)(b) and grabbed him and escorted § 87(2)(b) to the front of his patrol vehicle. PO Rosado placed § 87(2)(b) in handcuffs. PO Rosado decided to place § 87(2)(b) in handcuffs for his safety because § 87(2)(b) was being investigated for a gunshot incident and because he could be armed. PO Rosado continued to hold § 87(2)(b) at the patrol vehicle and PO Brown exited. § 87(2)(b) repeatedly told PO Rosado something to the effect of he knew why he was being stopped, and that he was at Hall of Fame Terrace earlier. § 87(2)(b) did not mention anything about a shooting to PO Rosado at this time. PO Rosado frisked § 87(2)(b) legs and asked him if he minded if he searched him. § 87(2)(b) replied, “You can search me. No problem.” PO Rosado searched § 87(2)(b) basketball shorts pockets for weapons. PO Rosado did not find any weapons on § 87(2)(b) PO Rosado placed § 87(2)(b) in the patrol vehicle and called for a supervisor to the location.

DET Reardon stated (BR4) that he was called to 10<sup>th</sup> Ave & West 206<sup>th</sup> Street in Manhattan by officers from the 52<sup>nd</sup> Precinct in regard to § 87(2)(b) and the Mustang Mach-E. When DET Reardon arrived at the incident location, he was informed by the officers on scene that PO Rosado had stopped § 87(2)(b) who operated a vehicle that matched the description of the shooter’s getaway vehicle provided by an eyewitness. DET Reardon stated that by the time he arrived, § 87(2)(b) was already placed inside PO Rosado’s patrol vehicle.

According to the Unusual Occurrence Report generated by DET Ceden (BR8), a female 911 caller stated that she observed a Hispanic male fire four rounds at the crime scene, Hall of Fame, and got into the passenger side of a 2021 Ford Mustang with New York license plate § 87(2)(b)

According to the NYPD Property Clerk Invoice # § 87(2)(b) (BR9), the Ford Mustang Mach-E’s license plate number was § 87(2)(b)

According to DET Daniel Huber’s DD5 (BR8), four spent 9mm shell casings were found at the crime scene.

According to PO Brown’s BWC video (BR13), at timestamp 0:40, PO Brown and PO Rosado exit their patrol vehicle. § 87(2)(b) stands next to the opened driver side door of the Mustang. § 87(2)(b) appeared to be a Hispanic male with light complexion. § 87(2)(b) wore grey basketball shorts, a white t-shirt, and an orange hat. § 87(2)(b) basketball shorts are loose fitting, and he picks them up by the waistband and adjust them on his waist.

According to PO Rosado’s BWC video (BR12), at timestamp 0:39, PO Rosado and PO Brown exit the marked vehicle. At timestamp 00:48, PO Rosado grabs § 87(2)(b) left arm and escorts him to the hood of the patrol vehicle. At timestamp 1:00, PO Rosado places § 87(2)(b) hands behind his back and applies handcuffs on him. PO Rosado and PO Brown continue to hold § 87(2)(b) on the hood of the patrol vehicle. PO Rosado requests additional units to the location. At timestamp 2:20, § 87(2)(b) tells PO Rosado, “I know what you stopped me for.” PO Rosado instructs § 87(2)(b) to lift his left leg and he complies. PO Rosado removes § 87(2)(b) fanny pack from his torso by sliding down his left leg, and places it on the hood of the patrol vehicle. At timestamp 2:30, PO Rosado squeezes § 87(2)(b) left shorts pocket. At timestamp 2:37, PO Rosado squeezes § 87(2)(b) right basketball shorts pocket and then places his right hand inside. At timestamp 2:42, PO Rosado places his hand inside § 87(2)(b) left shorts pocket and then pats his hand over the rear

seat area of § 87(2)(b) basketball shorts. § 87(2)(b) basketball shorts appears to be sitting slightly below his waistline. § 87(2)(b) black boxer shorts is partially exposed. § 87(2)(b) t-shirt covers his lower waist. At timestamp 3:05, PO Rosado removed a pair of sunglasses from § 87(2)(b) left basketball short pocket. At timestamp 3:10, § 87(2)(b) tells PO Rosado, “I’m a skinny guy, if I have a gun, you can see it.” At timestamp 3:29, § 87(2)(b) asks PO Rosado, “I did something? I know what you are talking about. The thing on 183<sup>rd</sup> [Street]. I saw a bunch of boys there, but I don’t know them. I just go to school there.” At timestamp 5:22, PO Rosado escorts § 87(2)(b) into his patrol vehicle and tells him that he will be transported to the 52<sup>nd</sup> Precinct station house. At timestamp 8:25, PO Rosado tells SGT DeAngelis that an unidentified female witness saw the Mustang at the crime scene. SGT DeAngelis tells PO Rosado that there were shell casings found on the sidewalk of the crime scene as well. SGT DeAngelis asks PO Rosado whether the unidentified witness observed the shooter fire on the street or from the inside of the Mustang. PO Rosado told SGT DeAngelis that the witness told him that she observed the shooter in the passenger side, and she described the operator on the driver’s side. At timestamp 10:05, DET Reardon asks PO Rosado why he stopped § 87(2)(b) PO Rosado replied that the unidentified female witness provided the description of § 87(2)(b) vehicle, and that the shooter was on the passenger side.

According to PO Brown’s BWC video (**BR13**), at timestamp 10:50, PO Brown calls a female eyewitness, identified only as “§ 87(2)(b) PO Brown tells § 87(2)(b) that she is the officer she spoke to earlier. § 87(2)(b) tells PO Brown that she observed the male individual that fired the shots on foot and then observed him in a yellow Mustang. At timestamp 22:10, PO Brown further clarifies that § 87(2)(b) told her at the time of the shooting, she was with a group of friends, and they ran away from Hall of Fame Terrace when they heard shots fired. § 87(2)(b) identified the shooter as a dark-skinned male and stated that she observed a yellow Mustang “circled around the block” near the crime scene. At an unspecified time, close to the shooting, § 87(2)(b) observed the dark-skinned male in the passenger seat of the Mustang Mach-E. At timestamp 22:59, PO Brown tells other officers that “§ 87(2)(b) was unwilling to come to the location for a show up because she feared that the shooter will recognize her and seek retaliation.

According to DET Liz Cedeno’s DD5 (**BR8**), on May 23, 2022, at approximately 6:34 PM, there was ShotSpotter activation at Hall of Fame Terrace and Andrews Avenue North and one 911 call made regarding the shooting. The 911 caller stated that she had seen a male Hispanic fire four rounds and get into the passenger side of a 2021 Ford Mustang with a New York license plate, § 87(2)(b) Upon the officers’ arrival at the crime scene, the officers observed 9mm shell casings on the sidewalk.

In People v. Plunkett, 56 A.D.2d 878, 879 (1976) (**BR5**), a somewhat similar set of facts impelled a police officer to stop and search a defendant at a point somewhat remote from the scene of a shooting. The officer made the stop about five hours after the shooting in response to a police radio alarm, “advising him to be on the lookout for a 1960 gray Cadillac with front end damage,” information provide by eyewitnesses. After which, the victim and eyewitness were called to the location of the stop to identify the defendant. The court held that both the initial stop and the search of the defendant were justified on the reasonable suspicion that the defendant had committed a crime.

In People v. Jones, 202 A.D.3d 821 (2022) (**BR6**), the court ruled that the police have probable cause to arrest an individual when they have information sufficient to support a reasonable belief that an offense has been [committed] or is being committed or that evidence of a crime may be found in a certain place.



According to Patrol Guide procedure 212-11 (BR7), “A stop may be conducted only when a police officer has an individualized reasonable suspicion that the person stopped has committed, is committed, or is about to commit a felony or Penal Law misdemeanor.” The Patrol Guide further states that a frisk is authorized when an officer reasonably suspects that a person is armed and dangerous. Following a frisk, a search is authorized only when the frisk reveals an object that the officer reasonably suspects to be a weapon, in order to remove the weapon. “A search occurs when the officer places his hands inside the pocket or other interior portions of a person’s clothing or personal property to remove an object that the member felt during a frisk and reasonably suspects is a weapon or dangerous instrument.”

PO Rosado and PO Brown conducted the stop of § 87(2)(b) based on information obtained from an eyewitness who provided the description of the getaway car, and its driver, both matching the description of § 87(2)(b) and Ford Mustang Mach-E. Despite stopping § 87(2)(b) approximately fifty minutes after the shooting and at a location across the bridge and in a different borough than the crime scene, § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

The BWC video obtained did not capture PO Rosado pulling § 87(2)(b) basketball shorts down. § 87(2)(b) shorts appeared to be loose fitting and not securing fitted to his waist. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

§ 87(2)(g)

While the NYPD Patrol Guide Section 212-11 allowed PO Rosado to frisk § 87(2)(b) it does not offer a blanket authorization for officers to search him. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (E) Abuse of Authority: Detective Edward detained § 87(2)(b)**

**Allegation (F) Abuse of Authority: Detective Edward Reardon threatened to arrest § 87(2)(b)**

§ 87(2)(b)

§ 87(2)(b) stated (BR1) that PO Rosado transported him while another officer transported the Mustang Mach-E to the to the 52<sup>nd</sup> Precinct station house. Upon arrival, PO Rosado escorted § 87(2)(b) to the second floor of the building and then lodged him inside a holding cell. Approximately ten minutes later, PO Rosado returned and escorted § 87(2)(b) out of the holding cell area and into

another room on the second floor and instructed him to sit down. DET Reardon asked § 87(2)(b) to explain what happened at Hall of Fame Terrace and if he knew why the police stopped him. § 87(2)(b) replied that he did not know why. § 87(2)(b) told DET Reardon that he was a valet for § 87(2)(b) and that prior to the incident, he parked the Mustang in front of the basketball courts located at Hall of Fame Terrace and Andrews Avenue North. § 87(2)(b) told DET Reardon that he was informed of a shooting that took place at the location by his friends and that he was not involved. § 87(2)(b) stated that DET Reardon threatened to arrest him. § 87(2)(b) did not recall verbatim how DET Reardon's threatened him. Approximately ten minutes later DET Reardon asked § 87(2)(b) if he had anyone to call and to pick him up. § 87(2)(b) told DET Reardon that he can call § 87(2)(b). DET Reardon escorted § 87(2)(b) to the front desk, and § 87(2)(b) was there. § 87(2)(b) asked § 87(2)(b) if he told DET Reardon the truth and § 87(2)(b) replied that he did.

§ 87(2)(b) stated (BR2) that at approximately 8:30 PM he arrived at the 52<sup>nd</sup> Precinct stationhouse because he learned through the Citizen App that § 87(2)(b) and his Mustang were in police custody in connection with a shooting that took place at Hall of Fame Terrace and Andrews Avenue North. § 87(2)(b) spoke with DET Reardon at the front desk, and he was informed by the detective that § 87(2)(b) and § 87(2)(b) vehicle might be involved in a shooting that took place near Hall of Fame Terrace. DET Reardon requested § 87(2)(b) to speak to § 87(2)(b) and to see if he knew anything about the shooting. Officers escorted § 87(2)(b) to the desk and § 87(2)(b) told him that he needed to cooperate with the police. DET Reardon stated when he arrived at the location of the vehicle, § 87(2)(b) was inside a patrol vehicle and the Mustang Mach-E was on the road. § 87(2)(b) told officers that he was not the owner of the vehicle and DET Reardon made the decision to remove § 87(2)(b) and the vehicle to the 52<sup>nd</sup> Precinct stationhouse to interview him.

DET Reardon stated (BR4) that when he and § 87(2)(b) arrived at the stationhouse, § 87(2)(b) was escorted to the office of the 52<sup>nd</sup> Precinct Detective Squad on the second floor. DET Reardon conducted an interview with § 87(2)(b) to get more information about the shooting at Hall of Fame Terrace. DET Reardon stated that § 87(2)(b) was evasive when questioned and did not immediately admit to him that he was at the crime scene. DET Reardon stated that § 87(2)(b) was initially uncooperative and "evasive" in responding to the detective's questioning. § 87(2)(b) initially told DET Reardon he was not present at the crime scene at any time and then stated that he was. § 87(2)(b) then told DET Reardon that he was the sole occupant in the Mustang and then admitted afterwards that he had two friends in the vehicle with him at the time of the shooting, and that he dropped them off "around the corner" near the crime scene. During DET Reardon's CCRB interview he stated that he told § 87(2)(b) "Alright, you're not under arrest now, but it could be coming." DET Reardon stated that he felt that § 87(2)(b) was involved in the shooting, that he was being insincere with his answers the detective's question. DET Reardon released § 87(2)(b) from custody and presented him with his business card. DET Reardon stated that § 87(2)(b) was at the 52<sup>nd</sup> Precinct station house for approximately one to two hours. DET Reardon stated that he searched the license plate of the Mustang on a NYPD database and yielded § 87(2)(b) as the registered owner. DET Reardon called § 87(2)(b) and informed him that § 87(2)(b) was detained at the 52<sup>nd</sup> station house and that the Ford Mustang Mach-E was impounded.

§ 87(2)(g)

When the eyewitnesses refused to cooperate and the search of § 87(2)(b) person yielded no firearms or weapons, § 87(2)(g)

According to NYPD Patrol Guide Procedure 208-01 (BR19), an officer may conduct an arrest without a warrant when there is reasonable cause to believe the arrested person committed the crime.

§ 87(2)(g)

**Allegation (G): Detective Edward Reardon seized § 87(2)(b) property.**

§ 87(2)(b) (BR1) and § 87(2)(b) (BR2) provided similar statements regarding this part of the incident. They both stated that DET Reardon and another officer told § 87(2)(b) and § 87(2)(b) that he needed the pair to remove all personal items from the inside of the Mustang before the vehicle could be processed. The officer let § 87(2)(b) and § 87(2)(b) enter the Mustang in the parking lot of the station house. The vehicle was in good condition and did not appear to have been searched by officers. Neither § 87(2)(b) nor § 87(2)(b) received any vouchers or paperwork.

DET Reardon stated (BR4) that when § 87(2)(b) arrived at the station house, he told DET Reardon that he gave § 87(2)(b) permission to operate the Mustang. DET Reardon told § 87(2)(b) that the Mustang had to be impounded because it was suspected to have been involved in a shooting. DET Reardon presented § 87(2)(b) with a Consent to Search form, and § 87(2)(b) signed it. DET Reardon was present when PO Rosado searched the Mustang. PO Rosado did not find any weapons or contraband in the vehicle. DET Reardon told § 87(2)(b) that the Mustang would remain at the station house for investigation. DET Reardon gave § 87(2)(b) his business card and informed him that the police would return the Mustang to him as soon as possible. DET Reardon was not aware of any additional searches conducted on the vehicle. During DET Reardon's CCRB interview, he stated that although there were no firearm or ballistics recovered from § 87(2)(b) vehicle, he did not feel that it was "proper" to release the vehicle to § 87(2)(b) that night. DET Reardon stated that the Mustang had to remain in police custody as officers continued to canvass for video evidence, witnesses, and license plate reader checks and that these checks and canvasses take time to complete. DET Reardon stated that the police had the right to keep the vehicle at the station house pending an active investigation.

During DET Reardon's CCRB interview, he stated that the police investigation into the shooting was ultimately inconclusive because officers were unable to obtain video of the alleged shooter or any video linking § 87(2)(b) or the Mustang to the shooting. DET Reardon' stated that § 87(2)(b) vehicle was ultimately returned approximately two months after the incident. The decision to return the Mustang to § 87(2)(b) was made by DET Reardon after the conclusion the investigation.

PO Rosado stated (BR3) that he transported the Mustang Mach-E to the 52<sup>nd</sup> Precinct station house parking lot while other officers transported § 87(2)(b) there. PO Rosado stated that an inventory search was not conducted on the vehicle due to its brand-new appearance and that it did not look like it had any items within it. PO Rosado stated that an inventory search of the Mustang was not conducted because there were no items in plain view and that vehicle looked brand new. PO Rosado looked under the seat and the storage area of the hatchback.



According to the Unusual Occurrence Report (BR8) generated by DET Liz Cedeno of the 52<sup>nd</sup> Precinct Detective Squad, on May 23, 2022, at approximately 6:38 PM, § 87(2)(b) and the 2021 Ford Mustang Mach-E was removed to the 52<sup>nd</sup> Precinct station house for further investigation. Officers from the 52<sup>nd</sup> Precinct conducted a video canvass of the vicinity of the crime scene, yielding negative results.

According to DET Daniel Baca's DD5 (BR8) generated on May 23, 2022, DET Baca and DET Huber conducted a video cavass in the vicinity of the crime scene, and yielded negative results for the Ford Mustang Mach-E.

According to the DET Reardon's DD5 (BR8) generated on June 12, 2022, DET Reardon closed the shooting case after exhausting investigative leads and lacking further physical or witnesses.

According to the NYPD Property Clerk Invoice #§ 87(2)(b) (BR9), officers impounded the cyber orange 2021 Ford Mustang Mach-E on May 23, 2022. In the Remarks section, it was noted that § 87(2)(b) confirmed that that the vouchered Mustang belonged to him. On July 21, 2022, DET Reardon made the determination that the vehicle was no longer needed and can be released to the registered to § 87(2)(b). On August 1, 2022, the Mustang was returned to § 87(2)(b).

There are no BWC video for this part of the incident.

In United States v. Duguay, 93 F.3d 346 (1996) (BR 10), the court ruled that the lawfulness of a car impoundment depends on the lawfulness of the arrest. Further, a decision to impound the car is reasonable where there is a legitimate reason to detain the car for further investigation, or there is not another person present who can drive the car away safely.

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g) Nothing was found during § 87(2)(g)  
§ 87(2)(g) stop to further elevate the level of suspicion. § 87(2)(g)  
§ 87(2)(g) When the Mustang arrived at the stationhouse, a proper inventory search was not conducted nor were the personal belongings within vouchered. DET Reardon stated that he impounded the Mustang with the intention to keep it at the station house for the duration of the shooting investigation while he conducted license plate checks, and canvassed for witnesses and video; however, none of the aforementioned investigative actions required the vehicle to be in police custody. DET Reardon closed the investigation into the shooting on June 12, 2022, after the police did not obtain any physical evidence that linked the Mustang to any crime. The Mustang was not returned to § 87(2)(b) until July 21, 2022, where no additional investigative actions for the shooting took place in between June 12, 2022, and July 21, 2022.

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR14).

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR15).
- PO Rosado has been a member of service for seven years and has been a subject in three CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)
- DET Reardon has been a member of service for twenty-one years and has been a subject in twelve CCRB complaints and thirty allegations, of which six were substantiated.:
  - [200707015] involved substantiated allegations of physical force, vehicle stop, against [DET Reardon]. The CCRB recommended charges and the NYPD imposed instructions.
  - [200911614] involved substantiated allegations of retaliatory arrest, and discourtesy word against DET Reardon. DET Reardon plead guilty at his DCT hearing and the NYPD imposed eight vacation days lost.
  - [201014370] involved substantiated allegations of frisk, and search, of person against DET Reardon. the NYPD imposed eight vacation days' loss.
  - § 87(2)(g)

### Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of July 7, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (BR18).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### RPBP History

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

Squad: 15

Investigator: <u>Jeffrey Tsui</u>	<u>INV Jeffrey Tsui</u>	<u>09/15/2023</u>
Signature	Print Title & Name	Date

Squad Leader: <u>Simon Wang</u>	<u>IM Simon Wang</u>	<u>09/18/23</u>
Signature	Print Title & Name	Date

Reviewer: _____	_____	_____
Signature	Print Title & Name	Date

